**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :8959 of 2007**

**DATED:26-04-2007**

M/s Vijaya Kriashna Fast Food and Pan Centre,
a proprietary concern,
Rep., by is Proprietor,
Atluri Venkateswararao,
APSRTC City Terminal Bus Stand,
Krihnalanka,
Vijayawada,
Krishna District.

**..... PETITIONER**

AND

Andhra Pradesh State Road Transport Corporation Limited,
Rep., by its Vice Chairman & Managing Director,
Hyderabad & 3 others.

**.....RESPONDENTS**

**ORDER:**

Heard learned counsel appearing for the petitioner; learned Government Pleader for Home; and the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the order of the 4th respondent in endorsement C.No.668/ACP-CZ/UPSC./2007, dated 18-04-2007, as illegal, arbitrary, and consequently suspend the operation of the said order by permitting the petitioner concern to run its business till
2.30 a.m., every day.

3. It is stated that the petitioner is the Proprietor of
M/s Vijayakrishna Fast Food and Pan Centre in the A.P.S.R.T.C. bus Terminal situated at Krishnalanka, Vijayawada on payment of Rs.1,85,699/- per month for the period from 21-09-2004 to 20-09-2010.

4. Learned counsel appearing for the petitioner submits that police is nothing to do with the running of the said Fast Food Centre and pan shop in the bus terminal even if the business is carried on in the mid night but as the police authorities started interfering with the same, petitioner filed W.P.No.6233 of 2006 in not allowing him to carry on the business upto 2.30 a.m., and the

same was disposed of on 31-03-2006 calling upon the petitioner concern to make a representation to the 2nd respondent requesting him to run the said Fast Food and Pan Centre upto 2.30 a.m., as permitted earlier and if any such representation is filed it was directed to be considered and disposed of. It is stated that the A.P.S.R.T.C. has no objection to permit the petitioner to carry on the business upto 2.30 a.m., but nothing has been filed before this Court as to whether any such representation filed by the petitioner has been considered and whether the A.P.S.R.T.C. permitted the petitioner to run his business till 2.30 a.m., but however, there is no grievance by the petitioner against the A.P.S.R.T.C., It is stated that the petitioner made a representation before the 4th respondent-Assistant Commissioner of Police, Central Zone, Vijayawada City to permit him to keep open the said Fast Food Centre till

2.30 a.m., for three months and the said representation has been rejected by the impugned endorsement, dated

18-04-2007, stating that the 4th respondent on verification found it not desirable to grant permission after 11.30 p.m., in the said place and accordingly the said request has been rejected.

5. Learned counsel appearing for the petitioner further submits that the said endorsement is without assigning any reasons and therefore, the same is liable to be set aside. It is true that the said representation of the petitioner is without assigning any reasons. He further submits that the police has no power or authority to prevent the right of the petitioner to carry on the business.

6. Having regard to the facts and circumstances, I am of the opinion that it is the duty of the police to maintain law and order, but however as the impugned endorsement is without assigning any reasons in rejecting the said application the same is set aside directing the 4th respondent to reconsider the said request and pass appropriate orders in accordance with law. It is made clear that merely because the impugned endorsement is set aside it cannot be assumed and presumed that the petitioner is permitted to keep open the said Fast Food and Pan Centre till mid night upto 2.30 a.m., after 11.30 p.m.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

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**V.ESWARAIAH,J**

26th April, 2007.
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